

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

| | | |
|-------------------------------------|---|-----------------------|
| THOMAS OTTER ADAMS (100612), |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 2:06-cv-873-ID |
| |) | |
| WARDEN GWENDOLYN MOSLEY, |) | |
| Et al |) | |
| Defendants. |) | |

**OBJECTION TO PLAINTIFF'S REQUEST TO WAIVE PRE-PAYMENT OF
COPYING FEES**

Come now the Defendants, **Gwendolyn Mosley, Lewis Hulett, Joel Tew, Daron Fayson, and Angela Brown**, by and through the Attorney General for the State of Alabama, and moves this Honorable Court to deny the plaintiff's request to waive the pre-payment of copying fees and, for grounds, state as follows:

- A. On June 14, 2007, this Honorable Court ordered that the plaintiff be allowed access to various prison documents.
- B. On June 14, 2007, the defendants instructed the plaintiff that he would be allowed access to the documents on June 26, 2007 and would be allowed to copy documents if he had the money in his prison account. (Exhibit F)
- C. On June 19, 2007, the plaintiff requested that the pre-payment of copying fees be waived.

ARGUMENT

The plaintiff has requested access to several files and administrative regulations. Without the prepayment of the copying fee, the plaintiff could request prison officials to copy each and every document that this Court has allowed him to review. This action could result in a prison official or counsel having to spend hours copying hundreds of pages of documents. This would open the floodgates to other prisoners being able to abuse the discovery process. Basically, prisoners would use the discovery process to harass state attorneys and state prison personnel with frivolous discovery requests in an attempt to unnecessarily waste the time of prison personnel and increase the amount of prison operation costs through the constant request to make hundreds of copies, knowing that they will not be charged up front with the costs.

The Alabama prison system is in dire straights financially. The prison simply cannot afford to front copying costs for prisoners nor can it have prison officials spending all day copying for prisoners. The only way to limit prisoner abuse of the discovery process is to require the prisoner to pre-pay copying fees, as this Honorable Court has done.

WHEREFORE PREMISES CONSIDERED, the defendants move this Honorable Court to deny the plaintiff's request that this Honorable Court waive the pre-payment of copying fees.

Respectfully Submitted,

Troy King (KIN047)
Attorney General

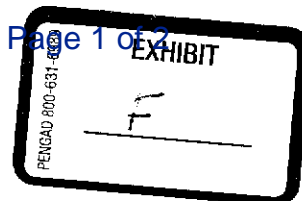
/s/ Bettie J. Carmack
Bettie J. Carmack (CAR-132)
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 20th day of June, 2007, served a copy of the foregoing upon the Plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

**Inmate Thomas Otter Adams
AIS # 100612
Easterling Correctional Facility
200 Wallace Drive
Clio, AL 36017**

/s/ Bettie J. Carmack
Bettie J. Carmack (CAR-132)
Assistant Attorney General
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
Telephone: (334) 353-5305
Facsimile: (334) 242-2433



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

TROY KING
ATTORNEY GENERAL

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.STATE.AL.US

June 14, 2007

Thomas Adams
Easterling Correctional Facility
200 Wallace Drive
Clio, Alabama 36017

RE: Thomas Otter Adams v. Gwendolyn Mosley, et al
CV: 2:06-cv-873-ID
Claim No.: GL-0706-00114

Dear Mr. Adams:

The Court has ordered that the prison allow you to review or copy the following (at your expense):

1. Your entire prison file;
2. Your entire medical file;
3. Any reports and documents that relate to the August 10, 2006 incident that we have not already provided to the court;
4. Administrative Regulation 023 (Request and release of ADOC documents)
5. Administrative Regulation 302 (Incident Reporting)
6. Administrative Regulation 327 (Use of force)
7. Administrative Regulation 300 (Investigations/Intelligence Division)
8. Administrative Regulation 208 (Employee Standards of Conduct and Discipline)
9. Standard Operating Procedure C-28 (Use of Force)

The documents will be provided to you on **June 26, 2007 at 9:00 a.m.**. I and a prison official will sit with you as you review the documents. **Your cost to copy any document is 50 cents per page.** You must have any copying charges in your prison account before any copies will be made for you. If you have any questions or concerns, please contact the Warden's office.

Sincerely,

A handwritten signature in cursive script, reading "Bettie J. Carmack". The signature is written in black ink and is positioned above the printed name.

Bettie J. Carmack
Assistant Attorney General
Civil Litigation Division